

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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SMARTMATIC USA CORP.,  
SMARTMATIC INTERNATIONAL  
HOLDING B.V., and SGO  
CORPORATION LIMITED,

Case No. 22-CV-98 (JMB/JFD)

Plaintiffs,

v.

**ORDER**

MICHAEL J. LINDELL and MY  
PILLOW, INC.,

Defendants.

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This matter is before the Court on Plaintiffs’ Fourth Motion to Compel Discovery (Dkt. No. 343). Defendants did not respond to the motion. The Court therefore canceled the motion hearing and considered the matter submitted on the papers. (*See* Text-Only Order, Sept. 9, 2024, Dkt. No. 363.)

Plaintiffs seek an order compelling Defendants to produce all non-public materials and data on which Defendants’ experts Peter Kent and Benjamin R. Cotton relied in reaching their expert opinions. In particular, Plaintiffs ask for the production of certain spreadsheets cited by Mr. Kent in his report and the forensic inspections cited by Mr. Cotton in his report.

Federal Rule of Civil Procedure 26(a)(2)(B)(ii) and (jjj) require an expert report to contain “the facts and data considered by the witness in forming [the opinions]” and “any

exhibits that will be used to summarize or support them.” The Court finds that the materials requested by Plaintiffs should be produced and therefore orders Defendants to produce all the data and materials considered by their experts in forming their opinions in this case, including but not limited to the spreadsheets cited by Mr. Kent in his report and the forensic inspections cited by Mr. Cotton in his report. Defendants must produce the materials within 14 days. The Court denies the aspect of Plaintiffs’ motion, however, seeking to preemptively preclude expert testimony.

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiffs’ Fourth Motion to Compel Discovery (Dkt. No. 343) is **GRANTED in part** and **DENIED in part** as set forth above.

Date: September 26, 2024

/s/ John F. Docherty

JOHN F. DOCHERTY

United States Magistrate Judge